



Committee on
HOMELAND SECURITY
Chairman Michael McCaul

Opening Statement

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Media Contact: Charlotte Sellmyer
(202) 226-8417

**Statement of Subcommittee Chairman Candice Miller (R-MI)
Subcommittee on Border and Maritime Security
Committee on Homeland Security**

Markup of H.R. 3202, H.R. 3488, and H.R. 3846

I am pleased to hold this mark-up today to consider three bills, which will improve the accountability, transparency and overall function of the Department of Homeland Security, and components such as Customs and Border Protection, U.S. Coast Guard, and the Transportation Security Administration.

At the outset, I would like to thank the Gentlelady from Texas and the other Members of the committee for their commitment to work in a collaborative fashion with us on these bills.

I look forward to working with the Ranking Member and other Members of this subcommittee as these bills go first to the full committee and, with any luck, to the floor shortly thereafter.

The first bill under consideration is H.R. 3846, the United States Customs and Border Protection Authorization Act. This bill represents the first attempt by the Congress, since the Homeland Security Act was enacted, to clearly delineate the current authorities and responsibilities of the largest law enforcement agency in the Federal government.

Surprisingly, as the world's first full-service border entity, CBP has never been formally authorized in law since the creation the Department of Homeland Security in 2002.

The fact that this agency has been operating for as long as they have without statutorily mandating what Congress and the American people expect is a problem that must be corrected. The other agencies of the Federal government routinely receive authorizations such as this.

As the committee of primary jurisdiction over CBP, we are responsible not only for oversight, but also for providing policy guidance and the clear authorization of duties and responsibilities needed to carry out their mission.

The Homeland Security Act, nearly 12 years old, reflects the choices made by Congress at the time to cobble 22 agencies together quickly. The time is now to update the statute to reflect the current security missions of the Department within CBP, which have significantly evolved over the last decade.

Congressional policy guidance and direction through the authorization process is long overdue, and I believe we should begin, as the bill I introduced does, by authorizing CBP's current missions the way that the Department currently operates, and then build on that foundation over time.

The second bill under consideration is H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act, sponsored by the Subcommittee's Ranking Member, Ms. Jackson-Lee. This bill calls for a security assessment to determine the security value of the Transportation Worker Identification Credential.

I am a co-sponsor the Ranking Member's bill because it responds to a key recommendation of the Government Accountability Office that the TWIC program should have a baseline security assessment before the program moves forward. This subcommittee held a hearing last year regarding GAO's ongoing and significant concerns about the TWIC program, and I am pleased that this legislation reflects testimony this subcommittee received.

The TWIC card, designed to prevent terrorists from gaining access to sensitive parts of the nation's ports—through the use of biometric enabled credentials—is currently no more than an expensive flash pass, given that most facilities and vessels are neither currently required, nor voluntarily contain, biometric readers.

Last year, a Notice of Proposed Rulemaking was finally released that only requires TWIC readers to be used at the highest-risk TWIC regulated vessels and facilities. This accounts for only five percent of regulated facilities nearly six years after workers were first required to pay for and obtain a TWIC card.

In fact, the delays are so significant that workers have already had to renew their biometric credentials in the time it has taken to issue regulations on credential readers.

The proposed rule and the recent GAO recommendations lead to some very basic questions about mitigating threat, risk, and vulnerability at our nation's ports, and how the TWIC program should be used to prevent a terrorist attack.

At this point, I believe it is still an open question as to what degree TWIC enhances maritime security. The bill offered by the Ranking Member calls for a third-party security assessment – which is something this Congress needs to determine how best to proceed when it comes to this program.

Finally, the third bill being considered is H.R. 3488, sponsored by Mr. Meehan. This bill sets the conditions under which future CBP preclearance facilities can be established.

Many members on this panel have a keen interest in the establishment of preclearance facilities. While most Members of Congress have a history of supporting preclearance operations as a means to ease travel facilitation—especially as it used in places like Canada, the Bahamas, Aruba, Bermuda, and Ireland—a series of missteps plagued the roll-out of a preclearance facility in Abu Dhabi last year.

Creating controversy and raising questions about the suitability of the location and the security value of preclearance operations.

Through the appropriations process, the Abu Dhabi preclearance facility was allowed to open. However, I think it is appropriate that this committee weigh-in on how we go about establishing future preclearance operations, given the security and trade and travel facilitation benefits preclearance offers.

This bill ensures that those mistakes related to the Abu Dhabi facility cannot be repeated, by requiring a series of notifications and certifications to the Congress that the establishment of new preclearance facilities serves the national interest, stakeholders have been properly consulted, and that U.S. airlines have equal access to locations under consideration.

This committee supports the concept of preclearance and pushing our borders out – stopping those that would do us harm before they ever board an airplane bound for the United States. Preclearance can be an appropriate tool to meet our security needs, but it has to be established with more forethought.

The legislation we are considering today is a result of extensive consultation with industry and CBP, and makes sure Congress and key stakeholders are well informed before another preclearance facility is established. My hope is that it will prevent a repeat of last year's troubled roll-out.

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